

REMARKS

Claims 1-18 are pending. Reconsideration and allowance based on the below comments are respectfully requested.

The office Action rejects claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over Horejsi, et al. (U.S. Patent No. 5,239,487). This rejection is respectfully traversed.

Embodiments of the present invention provide a method which significantly improves the manufacturing process by implementing a novel use of a "quality ticket". The quality ticket allows each user in an area and stage of the quality review for particular items to universally retrieve and input information in regard to various defects found and also provide information on how to correct the defect. Each quality ticket provides defect symptom information, defect information and action to be taken based on the observed symptom and defects. Each symptom, defect, and action to be taken are organized into various sub categories in order to more accurately pinpoint the exact defect, cause of the defect and steps to be taken to correct the defect.

In contrast, Horejsi, et al. teaches the use of a manufacturing rework station which uses a computer connected to various databases. At the rework station, an operator retrieves information about a particular item from the database concerning the failure symptoms exhibited by the item during testing. It is then up to the operator to determine what may be the defect, causing the failure. Upon determining the defect, the computer can display possible solutions in order to

correct the defect. The operator then repairs the item and the computer updates the database to include this repair as part of the repair history.

The Office Action alleges that use of the claimed features of independent claims 1 and 11 are taught by Horejsi, et al except the use of a quality ticket and the logging of the repair suggestion and repair action by an operator. The Office Action alleges that it would be obvious to one of ordinary skill in the art to modify the teachings of Horejsi to include the features not taught by Horejsi. Applicant respectfully disagrees.

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art and the asserted modification or combination of prior art must be supported by some teaching, suggestion, or motivation in the applied reference or in knowledge generally available to one skilled in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Thus, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The prior art must suggest the desirability of the modification in order to establish a *prima facie* case of obviousness. *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1995). It can also be said that the prior art must collectively suggest or point to the claimed invention to support a finding of obviousness. *In re Hedges*, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986); *In re Ehrreich*, 590 F.2d 902, 908-09, 200 USPQ 504, 510 (CCPA 1979).

First, Horejsi fails to teach or suggest the use of a “quality ticket” and the logging of different data by an operator as claimed by applicants. The quality ticket as claimed in the present invention allows for the retrieval and input of data corresponding to a particular item at various stages in the testing and correcting of defects. In contrast, Horejsi teaches the use of a static rework station in which an operator achieves information and then corrects an item based on this information. The operator cannot log data, let alone various types of data in anything like the claimed quality ticket. In fact, Horejsi teaches away from this aspect of the present invention by utilizing an automatic updating of the repair history in the database which is accomplished by the computer and not by an operator. See column 9, lines 15-20. Further, the Office Action provides no evidence that the claimed “quality ticket” is known in the art.

Second, the Office Action further fails to provide motivation for the alleged combination. In order for a *prima facie* case to exist, the prior art must suggest the desirability of the claimed invention, providing motivation to make the combination proposed in the Office Action. *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). The level of skill in the art can not be relied upon to provide the suggestion to combine the references. *Al-site Corp. v. VSI Int’l. Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). In the instant rejection, the Office Action lacks any motivation to combine the teachings of Horejsi with known knowledge of one of ordinary skill in the art to

action as claimed in the present invention. Horejsi makes no teaching or suggestion of the use of a "quality ticket" which allows different operators at different stations in determining defects and correcting those defects to retrieve various repair suggestions and log in repair suggestions and repair actions taken. Although both Horejsi and the present invention concern defect management and correction processes, the methods of the present invention improve upon the methods provided in Horejsi by providing a quality ticket which allows multiple operators at various stages in the defect management process to retrieve specific information concerning the defect and also log in various information in regard to the specific defect which can be retrieved by other operators by use of the quality ticket.

Applicants note that the mere fact that the Horejsi teaches a method that concerns defect management does not render the combination of the teachings of Horejsi with the claimed quality ticket and logging of repair suggestion and repair action unless the prior art suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Circ. 1990). Certainly nothing within Horejsi suggests or motivates the modification of Horejsi teachings to provide applicants claimed invention.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-18 are distinguishable over the cited patent. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

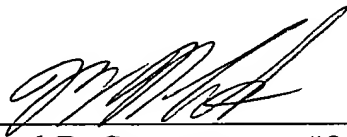
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

Appl. No. 09/827,979

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Michael R. Cammarata, #39,491

MRC/CJB:cb  
4450-0236P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)